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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Fourteenth session
16 January-3 February 1995

ADOPTION OF THE REPORT OF THE COMMITTEE
ON ITS FOURTEENTH SESSION

Draft report

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Addendum

V. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

3. Reports submitted on an exceptional basis

1. The Committee considered a report submitted on an exceptional basis through the presentation of the report by the State concerned, followed by questions by the experts and answers by the State.

2. In her opening remarks, the Chairperson of the Committee recalled that, at its twelfth session, in 1993, the Committee had decided, inter alia, that it should, pursuant to article 18 of the Convention, request States of the territory of the former Yugoslavia to submit a report or reports on an exceptional basis and that such a report or reports should be considered at the next session. In addition, the Committee had put on record its commitment to look into similar grave violations of rights being experienced by women in any part of the world. 1/

3. She also noted that, in accordance with the practice of other human rights treaty bodies, the Committee, deeply concerned about recent and current events in the territory of the former Yugoslavia affecting the human rights of women

protected under the Convention, having noted that all the women within the territory of the former Yugoslavia were entitled to the guarantees of the Convention, finding that the new States within the boundaries of the former Yugoslavia had succeeded to the obligations of the former Yugoslavia under the Convention, and acting under article 18 of the Convention, had requested certain States within the territory of the former Yugoslavia, in particular Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), to submit reports on an exceptional basis within the mandate given by the Committee at its twelfth session. Croatia was unable to submit its report to the Committee at its thirteenth session and it was agreed that it would submit its report to the Committee at the fourteenth session.

Croatia

4. The Committee considered the report of Croatia that had been requested on an exceptional basis at CEDAW's thirteenth session, at its 279th meeting, on 31 January 1995 (see CEDAW/C/CRO/SP.1).

5. The representative of Croatia made a statement in which she informed the Committee about the protection of human rights of women in her country and on how the war in Croatia had affected women. She emphasized that women's ability to exercise their human rights and participate at all levels of decision-making in her country should be considered in the light of the complex situation of the war, which affected various parts of Croatia differently. In the first part of her presentation, the representative informed members of the Committee about the Croatian legislation pertaining to women's economic, social and political roles. The Croatian legislation was in full compliance with the provisions of the Convention and the representative identified the various laws and measures in Croatia that ensured equality of human rights of men and women according to those provisions. In Croatia there were no laws or regulations that discriminated against women. She also drew attention to the high standards of the protection of women at work, during maternity and in health in general. She pointed out, however, that in spite of laws and measures that guaranteed women's equality in all spheres of life in Croatia, women did not use the existing legislation to its fullest extent, particularly in so far as their rights to equal political participation were concerned. She pointed out that the war in her country prevented women from benefiting fully from the enabling legislative environment, and as a result of the war women in Croatia suffered maltreatment, torture, humiliation, degrading treatment and rape.

6. The representative of Croatia stated that women accounted for 23 per cent of all wounded and 20 per cent of killed civilians. Twelve per cent of wounded women suffered disabilities and serious bodily impairment. Women accounted for 24 per cent of forcibly disappeared or missing persons. The disturbing violations of women's rights in which women were used as part of the tactic (as tools) of ethnic cleansing had taken place at the end of 1991 and the beginning of 1992. Women were captured and detained in prisons, where, according to the accounts of some of the 744 women who were subsequently released from camps in Serbia, the conditions were extremely poor. Women were maltreated and often beaten. The representative pointed out that more than half of the detained women were older than 45. Children were also detained in prisons and camps

along with women. There were accounts of mass rape of women. The pattern and time of occurrence of mass rape suggested strongly that it was used as a method of ethnic cleansing. Rapes were perpetrated within the occupied territories of Croatia and in the detention camps located in Serbia.

7. The problem of forcibly disappeared or missing persons involves two categories of women victims: women who are themselves forcibly disappeared and missing, and women whose family members are forcibly disappeared and missing. All this causes the most complex problems.

8. The Croatian Government organized the provision of help and support to victims of war. It made a commendable effort to collect information relating to the violation of women's rights by encouraging women to provide the testimonies of those violations. Testimonies by women constituted not only the source of information on violations of women's rights, but also a form of psychological support and therapy that were badly needed by women who had experienced the physical and emotional scars of rape. Five hundred testimonies of women victims of various forms of maltreatment were collected. Among those cases rape accounted for 10 per cent. Sixty per cent of raped women were, at the same time, victims of torture and maltreatment. It is believed, however, that the actual number of raped women is much higher than that reported. For cultural, religious and historical reasons women sometimes do not report sexual abuse or deny its occurrence. As a consequence of rape, four children were born. The representative of Croatia stated that all such children were cared for by their mothers and their respective families, by foster families or by the appropriate government institutions.

9. The Government of Croatia had made significant efforts to provide assistance to 103,671 displaced and 111,017 refugee women in the territory of Croatia who had suffered violations of their human rights, including rape and maltreatment. They were provided with basic necessities such as food, accommodation, health care and schooling. At the beginning of 1993, the Government had established a comprehensive programme for the protection and assistance of the victims of war, consisting of 10 projects. One project dealt with the provision of gynaecological care for women who had suffered sexual abuse. However, the Government was not able to implement that programme because of lack of financial resources and lack of support from international organizations and foreign Governments.

General observations

10. Members of the Committee thanked the representative of Croatia for the submission of a thorough and comprehensive report despite the extremely difficult circumstances in her country. One member deplored the fact that the Croatian Government had not been able to present the report last year as requested. Members expressed their satisfaction with the efforts of the Government of Croatia to reflect the provisions of the Convention in the Croatian legislation and to ensure equality between men and women in all spheres of life. They deplored the violations of women's human rights that took place in the context of the war and expressed their concerns at the impact those violations had on women's lives and their physical and mental health. They

commended the Government of Croatia for its effort to provide assistance to women victims of war.

11. Members of the Committee expressed their solidarity with the women of Croatia and their hope that a peaceful solution to the war would be found soon. One member said that from the report of Croatia she had concluded that there had been no aggression against women living in Croatia. She also understood that the events described in the report were events that had taken place in the past and involved primarily refugee women from Bosnia and Herzegovina. She thus wanted to know if her understanding of the situation was correct and that the events described in the report were not happening currently. She also wanted to know if women who had suffered rape in the course of the military conflict had been able to have access to the abortion services, psychotherapy and adoption services and if they were entitled to monetary compensation. Responding to that comment, the representative of Croatia stated that women who became pregnant as a consequence of rape had a right to abortion. Women could also decide whether to keep children conceived as a result of rape or offer them for adoption. Women in Croatia were still the victims of the atrocities committed against them in the temporarily occupied territories. During the period from April 1992 to September 1993, 12,468 persons had been forcibly displaced from the occupied territories, and placed temporarily under United Nations protection; the representative referred members of the Committee to the table that had been submitted to them prior to the meeting.

12. One member of the Committee requested further information concerning the gynaecological treatment programme for the victims of rape that had been mentioned in the representative's presentation. Other members requested more information on the lack of financing for that programme so that they could make a proposal with respect to that issue.

13. Members wanted to know if the Government of Croatia had succeeded in bringing persons responsible for the violation of women's human rights and for war crimes to the International Tribunal for the former Yugoslavia. She also wanted to know if there had been any incidents of aggression against and abuse of women by the Croatian army. In reply, the representative pointed out that the Croatian army was organized to defend the country against the "brutal Serbian aggression" and, initially, had not even been properly armed. She stated that it was conceivable that rapes by the Croatian army had occurred; nevertheless, rape had never been used by the Croatian army as a tool of ethnic cleansing. Any confirmed cases of rape by Croatian soldiers would be prosecuted under Croatian law.

14. The Committee members expressed their concern at the lack of national machinery for the advancement of women and for the protection of their human rights. They acknowledged the particularly difficult circumstances in Croatia, but nevertheless stressed that national machinery for women was very important and could be very helpful to women in such times of difficult circumstances. As women tended frequently to be treated as second-class citizens, they needed spokespersons to uphold their rights and articulate their special needs.

15. With regard to missing persons mentioned in the report, one member pointed out that she appreciated the fact that the Government of Croatia was in touch

with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights. She suggested that the Government should also get in touch with the Special Rapporteur on violence against women.

16. Questions were raised with respect to the Comprehensive Programme for Protection and Help to Victims of War initiated by the Croatian Government in 1993. One member of the Committee commented that it was incomprehensible that such a programme was unable to secure the necessary funding. She herself was aware of funds available in Germany for the financing of such programmes in the zones of military conflict in the former Yugoslavia. She wanted to know: (a) who coordinated the efforts to obtain funding for that programme; (b) whether it was the Government or NGOs; (c) why their efforts did not succeed; and (d) whether the lack of success was the result of excessive bureaucracy. In reply, the representative of Croatia stated that the programme was a comprehensive effort designed to help all victims of war. She confirmed that substantial help and resources had been committed to Croatia for the purpose of solving various problems of refugees and displaced persons. The biggest portion was used to cover their extensive basic needs, such as accommodation, food, schooling and health care. Over the past year, some $24,200,000 had been spent on health care for refugees. Although that programme did not receive direct financial support, assistance to victimized women and other persons who suffered as a result of the war was provided through regular funds obtained by the Croatian Government.

17. Having expressed her concern at the maltreatment and rape of women during the war in Croatia, one member of the Committee commented on the role of NGOs and women's organizations with respect to the current situation of women in Croatia and in the neighbouring republics. She wanted to know what women's organizations existed in Croatia and how they cooperated with international NGOs. She also wanted to know which international NGOs had visited Croatia. She asked the representative to state specifically what kind of assistance her Government wanted the Committee to provide. Concerning the involvement of NGOs, the representative of Croatia stated that her Government appreciated their assistance and their effort to deliver help to the victims of the war.

18. Several members of the Committee commended the Government of Croatia on its effort to provide the information on the situation of women in that country. They condemned mass rape and deplored its use as a weapon of ethnic cleansing. They encouraged the Government to seek peaceful means to resolve the military conflict. But they also stated that peace was not just the absence of war, but also social justice for all. They called for punishment of the perpetrators and wanted to know what had been done in that respect, whether complaints had been taken to the newly established International Tribunal and how women were involved in that process. Members of the Committee expressed concern at the effects of the war on children and wanted to know whether children had continuing access to education and how war and the crimes committed in that context were reflected in school curricula.

19. Members noted that the report of the representative of Croatia documented and properly identified the gender-specific impact of the war. They commented on the positive effects of breaking the silence and letting women talk about crimes committed against them. One member cited the document prepared by the

United Nations Educational, Scientific and Cultural Organization (UNESCO) that defined the rape of women during the war as "the war crime". She stated that the UNESCO report stressed the need to "name the guilty and record the crime in law" and she wished the representative of Croatia to respond to that statement. She also wanted to know what, if anything, had been done to provide women who had suffered rape and other forms of abuse with the monetary compensation for their suffering.

20. Responding to questions concerning the punishment of perpetrators of war crimes, the representative of Croatia stated that her Government had established a Commission on War Crimes which was collecting data and evidence concerning war crimes. The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 had been established and its work had just begun. The Government of Croatia was cooperating fully with the Tribunal and had already forwarded to the Tribunal the data it had collected. In order to bring the perpetrators to trial, however, the full support and cooperation of the international community was essential.

21. Members of the Committee raised questions relating to the reintegration into society of the victims of sexual and other forms of abuse. Concerns were expressed at the impact those events had on young girls who might need psychiatric and other help for some time to come. The Committee members encouraged the Government of Croatia to follow up the victims on a case-by-case basis.

22. One member commented that in the past, women in Croatia had been used as a tool of war. She stated that the time had come for women in that country to become the heart of the "machinery for peace". She encouraged the Government to initiate the dialogue on peace and expressed her hope that a peaceful solution would soon be found.

23. Members of the Committee commended the Government of Croatia for its efforts to provide women who suffered as victims of war with assistance, health care and psychological counselling. One member raised the question of the possible spread of HIV/AIDS among abused women and the devastating impact it would have on the country and its women. She wanted to know if any information on the magnitude of that disease was available to be sent to members wishing to see it.

24. Responding to the question concerning the spread of HIV/AIDS, the representative of Croatia stated that information had been collected and would be presented in the next report. She also stated that her Government had undertaken a comprehensive programme to control the spread of the disease.

25. The Committee members commended the Government of Croatia on its efforts to extend care and protection to refugee and displaced persons on the territory of Croatia. They wanted to know how many children were among the displaced population and whether they received adequate care. They wanted to know if medical help was available to them and how they were prepared for reintegration into the life of the society after the trauma of war.

26. In referring to the problems of refugees and their dependants, the representative of Croatia stated that refugee women received financial support that was augmented if they had children. They also had full rights to primary health care and education in Croatia, and to secondary health care in the event of life-threatening problems, free of charge. The Government of Croatia sought to assist persons disabled by the war and to provide psychological and social support to victimized women.

27. Concerns were expressed at the low participation of Croatian women in the political process. It was stated that, as the main agents of peace, women had to come to the forefront of all levels of decision-making. They should therefore be encouraged to participate more actively in the political process. In reply, the representative of Croatia stated that women in her country participated in the decision-making process, although somewhat insufficiently. She cited some progress in that respect in the judiciary and referred members of the Committee to the initial report for more information on the issue. She stressed that the reason for the low participation of women in decision-making was the war and its consequences. She emphasized that women in Croatia had a right to participate in decision-making at all levels, a right which was upheld by the Constitution and recorded in law.

28. The view was expressed that throughout the war in the former Yugoslavia, women were used as a weapon of war. Women should use that common experience to initiate peace. The Committee urged the women of Croatia and the women of other regions that suffered from the war to join their efforts in their search for a peaceful solution to the military conflict.

29. The representative of Croatia thanked the members of the Committee for their interest in the situation of women in Croatia and for their solidarity with the victims of the war.

Notes

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), chap. I, sect. B.